

REMARKS

Claims 1-3, 5-6, 8, and 10-11 are pending after entry of this paper. Claims 1-3, 8, 10 and 11 have been rejected. Reconsideration and withdrawal of the pending rejections in view of the below remarks are respectfully requested.

Claim 1 has been amended to recite that the device is supported by a suspension rod. Support for this amendment to the claim can be found at ¶¶ 11, 18 and Fig. 2 of Pub App. 2005/0145481. As such, the amendment does not constitute new matter. Claim 5 has been amended in view of Claim 1 to correct an improper antecedent basis. This correction does not constitute new matter.

Response to Rejections under 35 U.S.C. §102(b)

Claims 1-3, 8 and 10-11 have been rejected under 35 U.S.C. §102(b) as anticipated in view of Davis et al. (U.S. Patent No. 6,231,730). Specifically, the Examiner contends that “the prior art of Davis et al. anticipates the Applicant’s instant claims as instantly presented.” (10/6/08 Office Action, pg. 3). Applicants respectfully disagree with the Examiner’s rejection.

Claim 1, as amended, now points out a device that is supported by an anode suspension rod. Davis fails to point out this element. Specifically, Davis points out a cathode frame that accepts the insertion of an electrode. The frame described in Davis is not supported by an anode suspension rod, but in fact, supports and retains the peripheral edge of the cathode plate. (10/6/08 Office Action, pg 2, ln 12). More importantly, the design of the frame recited in Davis prevents it from being supported by an electrode. There is no retention mechanism or

supporting structure that enables the electrode assembly to support the frame in Davis. As such, there is no way the frame could be supported by the electrode.

In contrast, the device in Claim 1 is supported by an anode suspension rod. (Fig 1 and Fig 2). The device in Claim 1 partially surrounds the anode suspension rod and is supported by it. (Pub App. 2005/0145481 at ¶ 11). In placing the device on an anode suspension rod, it is assured that the device, in addition to receiving support, will be in proper placement with respect to the edges of the electrolytic tank. (Pub App 2005/0145481 at ¶ 11). Furthermore, it allows the device to be locked into place with respect to the electrode. This allows for a more secure connection and aids in ease of transfer.

In view of these arguments, Applicants assert that independent Claim 1 is not anticipated by Davis. Davis fails to point out each and every element found in Claim 1. Therefore, the rejection of independent claim 1 under 35 U.S.C. § 102(b) is now moot.

The Examiner has rejected Claims 2-3, 8 and 10-11 as anticipated by Davis. Applicants note that amended Claim 1, from which all other claims depend, is not anticipated by Davis. Therefore, those claims which depend from amended claim 1 are similarly not anticipated by Davis. The rejection of Claims 1-3, 8 and 10-11 under 35 U.S.C. § 102(b) is now moot.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. Favorable action by the Examiner is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4819-4714.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4819-4714.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

By:


Evelyn M. Kwon
Registration No. 54,246

Dated: December 19, 2008

Correspondence Address:
CUSTOMER NO: 27123
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile